

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 10, 1944
10:45 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Alford, Bartholomew, Gillis, Mayor Miller - 4
Absent : Councilman Wolf - 1

Present also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney, and R. D. Thorp, Chief of Police.

The minutes of the meetings of August 1 and August 3, 1944, were read, and on motion of Councilman Alford, were adopted as read by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
Noes : None
Absent: Councilman Wolf

The application of NORMAN COOPER, 2008 Holly Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes : None
Absent: Councilman Wolf

The application of E. M. POWELL, 305 Willow Street, for a license to operate as a taxicab a 4-door Buick Sedan, 1940 Model, Motor No. 53876676, State License (1942) No. N23-118, (1944) No. FR4-286, to replace Taxicab Permit No. 13 cancelled by N. A. Garner, Jr., duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
Noes : None
Absent: Councilman Wolf

The application of L. G. DAY, Route 2, Box 452, for a license to operate as a taxicab a 4-door Chevrolet Sedan, Factory No. BA-56450, State License (1942) No. N23-578, (1944) No. FR-921, to replace Taxicab Permit No. 59 cancelled by Louis Joseph, duly approved by the Acting City Manager,

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 was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of J. P. HEATH, 1007 Nueces Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1941 Model, Engine No. AA211978, State License (1942) No. N11-904, State License No. FR-4690 (1944), to replace Taxicab Permit No. 96 cancelled by J. W. Coker, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, and Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of OSCAR IRA LEACH, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1941 Model, Motor No. AA43-519, State License (1942) No. N21-365, (1944) No. FR3-628, to replace Taxicab Permit No. 44 cancelled by J. C. Hildebrand, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of MONTERREY CAFE, 600 East 6th Street, by J. L. Joseph, owner, for a Retailer's Wine and Beer permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of JABOUR'S PACKAGE STORE, 415 East 6th Street, for a Retail Package Store permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

The application of JABOUR'S PACKAGE STORE, 415 East 6th Street, for a Wholesale Beer Distributor's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
 Noes : None
 Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, the Acting City Manager, be, and he is hereby,

authorized and directed to enter into a contract for and on behalf of the City of Austin with M. H. Crockett pertaining to the construction of a drainage way on the property described in deed of M. H. Crockett to the City of Austin, dated August 8, 1944, conveying 1.79 acres of land, more or less, out of the Thomas Hawkins Survey in Travis County, Texas; said contract further providing that the dirt excavated from said drainage way to be used to back fill the channels running through the adjoining property owned by M. H. Crockett, a copy of said contract being attached hereto.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

- Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
- Noes : None
- Absent: Councilman Wolf

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 29, 1937, AND RECORDED IN ORDINANCE BOOK "K", PAGE 239, ET SEQ., OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDMENT HEREBY ENACTED CHANGING THE USE DESIGNATION FROM AN "A" RESIDENCE DISTRICT TO A "C" COMMERCIAL DISTRICT OF THE PROPERTY DESCRIBED AS FOLLOWS: ALL OF THAT TRACT OR PARCEL OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE PROPOSED EAST BOUNDARY LINE OF EAST AVENUE, ONE HUNDRED SEVENTY-FIVE (175) FEET NORTH OF THE PROPOSED NORTH BOUNDARY LINE OF EAST 38 1/2 STREET; THENCE NORTHERLY ALONG THE PROPOSED EAST BOUNDARY LINE OF EAST AVENUE TO A POINT FIFTY (50) FEET SOUTH OF THE NORTH BOUNDARY LINE OF A TRACT OR PARCEL OF LAND KNOWN AS THE ROBERT H. JOHNSON TRACT IN THE THOMAS HAWKINS SURVEY; THENCE EASTERLY FIFTY (50) FEET SOUTH OF AND PARALLEL TO, THE NORTH BOUNDARY LINE OF THE SAID ROBERT H. JOHNSON TRACT, TO ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE AUSTIN AND NORTHWESTERN RAILROAD COMPANY; THENCE SOUTHERLY IN A LINE PARALLEL TO THE EAST BOUNDARY LINE OF EAST AVENUE TO A POINT ONE HUNDRED SEVENTY-FIVE (175) FEET NORTH OF THE PROPOSED NORTH BOUNDARY LINE OF EAST 38 1/2 STREET. THENCE WESTERLY ONE HUNDRED SEVENTY-FIVE (175) FEET NORTH OF AND PARALLEL TO THE PROPOSED NORTH BOUNDARY LINE OF EAST 38 1/2 STREET TO THE PLACE OF BEGINNING; ORDERING A DELINEATION OF THE OFFICIAL USE MAP SO AS TO SHOW THE CHANGE HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

- Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
- Noes : None
- Absent: Councilman Wolf

The ordinance was then read the second time and Councilman Gillis moved that the rules be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The ordinance was then read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Thereupon Mayor Miller declared that the ordinance had been finally passed.

Councilman Gillis introduced the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has expended much time and money in an effort to make available to its citizens the park and recreational facilities necessary to promote the general welfare of a progressive city; and

WHEREAS, because of the rapid growth in population and the expansion of the business and residential areas, it is necessary that the City set aside areas for the development of park and recreational facilities; and

WHEREAS, it is most efficient, both from the standpoint of city economy and proper city planning, to select sites best fitted for park and recreational purposes during the period of the area's development and growth, rather than after it has become static; and

WHEREAS, in the development of such park it is necessary to erect, construct and place thereon buildings and other permanent improvements of great value, besides the equipment of it for permanent park purposes makes it necessary that the City of Austin acquire the title to the land therein in fee simple; and

WHEREAS, taking into consideration the great Zilker Park in the southern portion of the City and the other park systems, it is necessary and proper to establish and maintain adequate park and recreational facilities for the northern area of the City, which now has no such facilities, and the location of the land hereinafter described is convenient and suitable for such purpose; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City of Austin acquire for park and recreational purposes, by direct purchase or condemnation, if necessary, the fee simple title to the following described lands:

FIRST TRACT: One hundred and three and fifteen one-hundredths (103.15) acres of land out of the James P. Wallace League located in Travis County, State of Texas, about two (2) miles north of the City of Austin, and described by metes and bounds as follows, to-wit: Beginning at the N.W. corner of the Charles Compton Homestead Tract, which is also the northwest corner of the second tract herein conveyed; thence S. $60\frac{10}{100}$ E. with the N. boundary line of said Compton tract 1036 varas to the N.E. corner of the same on the west line of the Austin and Dessau County Road at a post for corner; thence N. 30 deg. E. 562 varas with the W. line of said road to the S.E. corner of the James E. Lucy tract, a post for the N.E. corner of this 103.15 acre tract; thence N. 60 deg. W. 1020 varas with the James E. Lucy line to a post for the N.W. corner of this 103.15 acre tract, the same being the N.E. corner of a 73 acre tract at one time sold to Sloss; thence S. $31\frac{1}{2}$ deg. W. with the E. line of said 73 acre tract 572 varas to the place of beginning, containing one hundred and three and fifteen one-hundredths (103.15) acres of land, and being the same tract described in a deed recorded in Book 243, pages 269-270 of the Travis County, Texas, Deed Records, hereby referred to.

SECOND TRACT: Containing two hundred (200) acres of land, exclusive of the right of way of the Austin & Northwestern Railroad, also a part of said James P. Wallace League in Travis County, Texas, and a part of which is known as the Compton place and more particularly described as follows, to-wit: Beginning 507.5 varas north 31 deg. 10' East from the southeast corner of the James Lensing tract out of said League, and being also the N.W. corner of a tract of 106.8 acres of land conveyed by George W. Walling, Jr., et al, to L. L. Campbell; Thence north 31 deg. 10' East 98.25 varas to a stone set in the ground on the east bank of Waller Creek for a corner of Lensing's tract; Thence south 59 $\frac{3}{4}$ deg. East 160 varas to another corner of Lensing's tract; a stone set in the ground; Thence parallel with a line of Bois D' Arc hedge north 30 deg. 40' East 211 $\frac{1}{2}$ varas to the northeast corner of Lensing's tract; thence north 31 $\frac{1}{2}$ deg. East crossing the Austin & Northwestern Railroad at 453 varas, 775 varas to a stone set in the ground; thence south 59 $\frac{3}{40}$ East 1039.4 varas to corner on West line of a lane; Thence with the said West line of said lane South 30° 10' West crossing a branch at 1041 varas, 1088.05 varas to the southeast corner of this tract; and being also the Northeast corner of the said tract of 106.8 acres conveyed to said L. L. Campbell; Thence North 59 $\frac{3}{4}$ deg. West with the North line of said 106.8 acre tract 1204.6 varas to the place of beginning, and being the same tract described in a deed recorded in Volume 171, pages 191-192 of the Travis County Deed Records, hereby referred to.

The Two (2) tracts above described are contiguous tracts.

BE IT FURTHER RESOLVED that the City Manager, or in his absence the Acting City Manager, is hereby authorized to acquire for the City of Austin the fee simple title to the above described lands by direct purchase or condemnation and to pay for same out of the General Fund of the City of Austin and to do such other and further things as may be necessary and expedient in acquiring the fee simple title to the said lands.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes: None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, F. Weigl, owner of Lot 4, Block 10, of the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of East 1st Street and Red River Street, has made application to the City Council of the City of Austin for permission to construct a commercial driveway across the west sidewalk area of Red River Street adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveway, which plan is hereto attached marked 2-C-972 and made a part hereof; and

WHEREAS, said request and plan have been reviewed and considered by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT F. Weigl, owner of Lot 4, Block 10, of the Original City of Austin, Travis County, Texas, which property is situated at the northwest corner of East 1st Street and Red River Street, is hereby permitted to construct a commercial driveway across the west sidewalk area of Red River Street subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-972, which plan is hereby attached and made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in EAST NINTH STREET from a point 103 feet east of Lincoln Street easterly 102 feet, the centerline of which gas main shall be 7 feet north of, and parallel to, the south property line of said East 9th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in SANTA MARIA STREET from a point 91 feet east of Prowse Lane easterly 50 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Santa Maria Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in EVERGREEN AVENUE from a point 353 feet north of West Mary Street northerly 104 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Evergreen Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in COLETO STREET from a point 107 feet south of East 16th Street south to East 14th Street, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of, and parallel to, the east property line of said Coleto Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in EAST FOURTEENTH STREET from Coleto Street west 74 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said East 14th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

- Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
- Noes : None
- Absent: Councilman Wolf

A written request from JIMMIE LEDERER, 3005 Glenview Avenue, asking that the 3000 block on Glenview Avenue be paved, was received. The matter was referred to the City Engineer to ascertain if the abutting property owners would agree to pay their pro rata of said paving, and to so advise the said Mr. Lederer.

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, it has been determined that the assessment for taxes for the years 1939 through 1943, inclusive, on the improvements located on the south 70x138' of Lots 3 and 4, Block 74, Original City, assessed in the name of J. B. Robertson, et al, is excessive; and that the same should be corrected for said years; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the assessment for taxes on said property for the years 1939 through 1943, inclusive, be, and the same is hereby, reduced and corrected from the present assessed value of \$14,850.00 for each of said years to \$11,550.00 for each of said years, and the City Tax Assessor and Collector is hereby authorized and directed to change on his rolls the assessed valuation of the above described property in accordance with the terms of this resolution.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

- Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller
- Noes : None
- Absent: Councilman Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1931 through 1935, and 1940 through 1943, were assessed in the name of Mrs. Maud Smith on

Lot 12, Block 4, Outlots 31 and 32, Division O, MK&T., in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$268.88 and for nonpayment of same at maturity, penalty in the sum of \$13.45 has been assessed and interest in the amount of \$107.84 has accrued, making the total amount of taxes, penalties, and interest due \$390.17; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$13.45 and one-half of the interest in the sum of \$53.92; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$13.45 and one-half of the interest in the sum of \$53.92 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$13.45 and said interest in the sum of \$53.92 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest as aforesaid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes: None

Absent: Councilman Wolf

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:25 A. M., subject to call of the Mayor.

APPROVED

Tom Miller
MAYOR

ATTEST:

Hollie McMiller
CITY CLERK